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STATEMENT OF OFFICER DENNIS MCMILLAN
CONDUCTED BY INVESTIGATOR BRIAN KILLEN
on 20 July 2017 at 1634 hours
at the offices of the
Civilian Office of Police Accountability

LOG # 1085949
Attachment # 91

1 INVESTIGATOR KILLEN: This is the audio-recorded
2 interview of Officer Dennis McMillan regarding Log No.
3 1085949/U#17-016. Today is the 20th of July 2017, and the
4 time is approximately 1634 hours. This statement is
5 being taken at the offices of the Civilian Office of
6 Police Accountability at 1615 West Chicago Avenue. My
7 name is Investigator Killen, that's spelled K-i-l-l-e-n.
8 My star number is 129. Also present is COPA Investigator
9 Miranda O'Boyle. Miranda, if you would.

10 INVESTIGATOR O'BOYLE: Miranda O'Boyle, Miranda, M-
11 i-r-a-n-d-a O'Boyle, O'-B-o-y-l-e.

12 INVESTIGATOR KILLEN: Okay. And also COPA
13 Investigator Tony Smajo.

14 INVESTIGATOR SMAJO: Anthony Smajo, A-n-t-h-o-n-y S-
15 m-a-j-o.

16 INVESTIGATOR KILLEN: And Officer McMillan is
17 represented by attorney, Colleen Daley.

18 COLLEEN DALY: C-o-l-l-e-e-n, last name, D-a-l-y.

19 EXAMINATION

20 BY INVESTIGATOR KILLEN:

21 Q And officer, if you would say and spell your
22 first and last names for me.

23 A My first name is Dennis, D-e-n-n-i-s. My last
24 name is McMillan, M-c-m-i-l-l-a-n.

1 Q What's your star number?

2 A 17731.

3 Q All right, and your employee number?

4 A [REDACTED].

5 Q And what's your date of appointment with the
6 Department?

7 A 29 September of 2014, September 29, 2014.

8 Sorry, police jargon.

9 Q Date of birth?

10 A [REDACTED]

11 Q All right. And your current unit of
12 assignment?

13 A 25.

14 Q How long have you been assigned to 25?

15 A Since roughly March of 2016.

16 Q Okay. And before that you were --

17 A I was in 7.

18 Q Okay.

19 A Operation Impact, but they don't have that
20 anymore. And before that I did three cycles. My first
21 cycle was in 11, then 25 and 24.

22 Q Okay. You're aware that there's no allegations
23 of misconduct made against you.

24 A Correct.

1 Q All right. You're also aware that this
2 statement has the standing of an official Department
3 report, and that any intentional falsification of any
4 answer to any question would be in direct violation of
5 the rules and regulations?

6 A Correct.

7 Q I would like to remind you that a failure to
8 provide a complete and accurate account of this incident
9 could result in a finding of Rule 14 with discipline
10 leading up to, and including separation from the Chicago
11 Police Department. Do you understand that?

12 A Correct.

13 Q All right. What was your duty status on 16
14 July 2017 at approximately 0308 hours?

15 A I was on-duty, working 2523 Robert as a in-car
16 patrol officer.

17 Q All right. What time did you start your tour
18 of duty that day?

19 A 2100 hours, which is nine o'clock.

20 Q 2100 hours on the 15th of July?

21 A Correct.

22 Q So then your end time would be what?

23 A Six o'clock in the morning on 16 July, the next
24 day.

1 Q Okay. And that's your regular -- regular --

2 A Yes.

3 Q -- tour, 1st Watch officer?

4 A Correct.

5 Q Are you guys considered the early car then?

6 A Yeah.

7 Q Okay. And then on that day and time you're

8 uniformed?

9 A Correct.

10 Q All right. Full uniform?

11 A Correct.

12 Q Do you have a body camera?

13 A We don't have those yet.

14 Q Okay. And then on your uniform, you got you

15 protective vest?

16 A Yes.

17 Q And on your vest, do you have your badge?

18 A Yes.

19 Q All right. Is it stitched, or is it --

20 A Yeah, the stitched, embroidered one.

21 Q Okay. And then name, same thing with your

22 name?

23 A Correct.

24 Q Okay. Do you have like one of those police

1 patches on the back too?

2 A Yeah, the big -- the big one on the back.

3 Q Uh-hum.

4 A I do have that.

5 Q Okay. And then you were -- you were assigned
6 to work with a partner, correct?

7 A Correct.

8 Q Who's your partner?

9 A Mike Rodriguez (phonetic).

10 Q And is Officer Rodriguez your regular partner?

11 A Yes.

12 Q All right. How long have your guys been
13 partnering up?

14 A Since I came back from furlough in April, so
15 roughly April till now.

16 Q Okay. And then you and Officer Rodriguez, you
17 were assigned a vehicle?

18 A Yes.

19 Q What kind of vehicle?

20 A You're asking the --

21 Q Make and model?

22 A Ford Explorer.

23 Q All right. Marked or unmarked?

24 A Marked.

1 Q Do you know the outside number on it?

2 A 9341.

3 Q Okay. And then I know you said your Beat was

4 252 --

5 A 2523 Robert.

6 Q Okay. And that's your regular Beat?

7 A Yes.

8 Q Okay. Your car, is it equipped with an in-car?

9 A Correct.

10 Q All right. And then because it has an in-car,
11 you guys are mic'd up?

12 A Yes, correct.

13 Q Okay. So you have a mic and then so does
14 Officer Rodriguez?

15 A Correct. When we started the tour, the camera
16 was frozen. So, our sergeant usually sends us a message
17 over the PDT asking for our camera status. We told him
18 the camera was frozen. So, he actually pulled a ticket
19 number just prior to this incident.

20 Q What do you mean "frozen".

21 A The camera itself, when we got into the car, it
22 just froze up, the actual in-car camera.

23 Q Was it operational?

24 A No, at first it was not operational. So what

1 happens with these cameras a lot of times is, say like
2 you go and you use the washroom or something, and you
3 come out and the car's off for a while, the camera will
4 actually reboot itself. It rebooted itself when we
5 logged in.

6 Q And then it was functional?

7 A Yes.

8 Q Okay.

9 A But we just did our part because it was frozen,
10 so we let our sergeant know. Our sector sergeant pulled
11 a ticket number, and I still have the ticket number under
12 the camera.

13 Q Oh, so you got a ticket on a functional camera
14 then at that point.

15 A Because we just did our job because we thought
16 it was frozen.

17 Q I'm sure.

18 A It wasn't operational.

19 Q Okay. Who's your sergeant?

20 A Our sergeant was Losik (phonetic), it was
21 (inaudible 0:05:02.2) Robert.

22 Q All right. And then, how's that work? I mean,
23 I know how the camera works, like you can operate it if
24 you want to, and all that.

1 A Yes.

2 Q The lights go on, it goes on.

3 A Yeah, correct. It -- I think it's -- it's like
4 it's always recording when you flip the lights on, so it
5 picks up the audio. And it kind of just picks up
6 everything from when the lights go on.

7 Q And the audio comes from -- now you guys have
8 mics on you?

9 A We did not have our mics on us because we
10 thought the -- 'cause we pulled the ticket number. So we
11 thought the camera was not functioning. We pulled the
12 ticket at the -- because you do that at the start of
13 tour.

14 Q Right. Hold on. Okay, hold on. So, you
15 pulled the ticket, throughout your tour then, were you
16 under the impression the camera wasn't working?

17 A Yes, at the beginning. But later on, we came
18 out and I think Mike made a comment. He was like, "Oh."
19 Because then the login screen came on, so he just logged
20 in really quick.

21 Q Okay.

22 A The status of my PC (inaudible 0:05:53.9).

23 Q Okay. So, you -- so, you -- you worked a
24 portion of your tour believing it wasn't working?

1 A Believing it was inoperable.

2 Q So your sergeant calls, "Hey, what's up?"

3 A "Good morning, what's your camera mic status?"
4 "There's no ticket number, but we -- this is what's going
5 on. The camera's frozen."

6 Q Okay. So then when you're thinking --

7 A So, then he -- he messaged back. He said,
8 "Your ticket number is blah, blah, blah." So I wrote
9 down on a piece of paper, and I slid it under the camera.

10 Q What do you do with the mics?

11 A I just don't think I ever -- just didn't even
12 think to put it back -- to put it on my vest after we had
13 logged in.

14 Q All right. But did you leave it the car --

15 A Yeah.

16 Q -- when you had to leave?

17 A There's a dock. Like say, if I'm sitting in
18 the car, there's a dock right here, like right behind.
19 It depends on the vehicle you have. Because we had a
20 Ford Explorer, so it would be right -- I was in the
21 passenger's seat. So it would be right here behind me to
22 my -- yeah, just right behind me.

23 Q So since the camera's not functional, there's
24 no point to the mic.

1 A Correct.

2 Q All right. So, marked car. Who's the driver,
3 you or Officer Rodriguez?

4 A Officer Rodriguez.

5 Q Okay. So then on this day, you guys are
6 involved in a -- you're a witness to a shooting.

7 A Correct.

8 Q Okay. And -- and as best you can, explain to
9 me the events leading up to that occurring.

10 A Sure. So, we had just finished a domestic. We
11 are -- there's a map right here. We're going eastbound
12 on Diversey. This vehicle makes a turn onto Mulligan,
13 going north. We make the turn onto Mulligan. Now, right
14 after the vehicle makes a right turn into the alley and
15 it doesn't use a turn signal, so the lights -- Mike
16 activates the lights. It's a t-alley, so it only goes
17 north, east and west. It does not go south, just to kind
18 of give you a visual. So this car pulls into the alley
19 going north, and our car is like at an angle, like this.
20 You see my hands?

21 Q Uh-hum. So your -- so that car -- the
22 civilian's car is facing north in the alley. Your car is
23 facing --

24 A Facing north in the alley.

1 Q -- like --

2 A And we're at just -- it's a t-alley. We're at
3 an angle like this.

4 Q So you're like on a northeast angle.

5 A Correct. That kind of gives you a visual.

6 Q Did you guys -- when you -- when you saw the
7 car turn off of Diversey, was it going east also on
8 Diversey?

9 A No, it was going west.

10 Q Okay. Did you guys know at that moment you
11 were going to pull it over?

12 A No. It was after we got onto Mulligan, and
13 they had made the turn in the alley, did not use the turn
14 signal. The lights came on.

15 Q Okay. And what kind of car is that? Do you
16 remember?

17 A The civilian's car? I can't remember off-hand.

18 Q The color of it or anything like that?

19 A I want to say gray.

20 Q Okay. So it goes north on Mulligan. You go
21 north Mulligan. It turns into the east/west alley.

22 A Correct.

23 Q So it goes east into the alley basically.

24 A It goes -- yeah, it makes a turn to go east

1 into the alley. Doesn't use his signal.

2 Q So then, you guys get behind it.

3 A We activate the lights.

4 Q Now, do you activate them, or does Mike?

5 A Mike.

6 Q Okay. And then they -- so then they make the
7 left-hand turn to go north down the alley?

8 A Correct.

9 Q How far down north in the alley did they go?

10 A Maybe like 10 feet or so, and then they come to
11 a -- just come to a stop.

12 Q So they stopped relatively quickly after the
13 lights go on?

14 A Yeah.

15 Q Okay. And at that time, can you tell how many
16 occupants are in the car?

17 A Four.

18 Q Okay. And you could tell? You could see
19 through the windows?

20 A Yeah, I could see -- I could see the two heads
21 in the back, and then there was two heads in the front.
22 Well, you could see the headrest, but I could see she was
23 a female in the front passenger seat. She had big wavy
24 hair. So, you could tell there were four people.

1 Q Were the windows of that car like tinted at
2 all, or anything like that?

3 A No, at least not the back windows weren't.

4 Q Okay. So you could see into it?

5 A Yeah.

6 Q All right, so then -- so it pulls over. You
7 guys stop.

8 A Uh-hum.

9 Q What do you do?

10 A Mike gets out. Now there's no such thing as a
11 routine traffic stop, but he starts talking with the
12 driver. I'm at the back, just to kind of give you a
13 visual. You have the front seat passenger, there's the
14 rear seat passenger. I'm at the back to his rear window.
15 So, if I'm standing up, the window's right here.

16 Q So you're on the passenger's side of the
17 vehicle.

18 A Correct. So Mike, I'm keeping an eye on Mike,
19 looking at him. That's when I looked down, and I could
20 see -- now I don't have any names, so if you ask me any
21 names, I'm not going to know that -- but he had a Bulls
22 jersey on. And I could see his feet. He's got a clear
23 cup. He has what appears to be a bottle of hard alcohol,
24 and then there's an open can of Odell (phonetic) beer.

1 Q Okay.

2 A So I kind of keep an eye on Mike, but I see
3 that. The window comes down. He does, "Hey, man -- I
4 forget exactly how I asked it, but something to the
5 effect of, "What's with the -- why do you have open
6 alcohol in the car?"

7 Q Right.

8 A So, Mike relocates to talk to the guy sitting
9 next to him, who ends up being the offender.

10 Q In the backseat?

11 A Correct.

12 Q So the guy sitting behind the driver?

13 A Correct.

14 Q Okay.

15 A So Mike talks to him. He has open alcohol.
16 So, Mike -- I forget the exact verbage. Virtually the
17 same conversation I had with this guy. "What's up with
18 the -- with the open alcohol?" Yadda, yadda. And then
19 there comes a moment where I look up over the car, and I
20 can see in Mike's face that I could just tell something's
21 off. Something's wrong. So then I look back down, he
22 has his light on a black semi-automatic pistol at this
23 guy's feet.

24 Q Which guy?

1 A The offender, the guy Mike's talking to.

2 Q On the driver's side.

3 A On the driver -- sitting behind the driver.

4 Q Okay. And you can see -- you can see the
5 pistol then?

6 A Yes.

7 Q And it's on the floor?

8 A It's on the floor, right at his feet.

9 Q And do you hear the conversation at that point
10 between Rodriguez and the passenger?

11 A No, I'm -- I was trying to, because initially
12 you know, you see a pistol, draw our weapons. Mike's
13 having a dialogue with him. Initially he's compliant.
14 Hands are up, right. So, Mike goes, "Hey squad, we're at
15 yadda, yadda. We need more cars like now." As soon as
16 he does that, his compliance begins to deteriorate.
17 "Hey, keep your hands up. Keep your hands up. Keep your
18 hands up." Now we're dealing with him, and he's here.
19 So --

20 Q Let me stop you real quick. So when you --
21 when you first go up to the car, and you're looking at
22 these guys, and you see the open booze and all that, you
23 got a flashlight in your hand. Correct?

24 A Correct.

1 Q You got a pistol in your hand?

2 A When I first go up to the car? No.

3 Q Just the flashlights?

4 A It's holstered up.

5 Q Okay. Do you unholster?

6 A I unholstered when I saw -- when Mike had the --
7 his light on the pistol between the guy's feet. That's
8 when my gun came out.

9 Q What do you do with your flashlight?

10 A I kept it in my left hand.

11 Q Okay. And you're right-hand dominant.

12 A Correct.

13 Q All right. And the flashlight has the stinger
14 -- the little one.

15 A Yeah, I got the short, the little guy, and then
16 you gotta recharge.

17 Q Okay. So, you keep the flashlight in your left
18 hand --

19 A Left hand.

20 Q -- gun-hand dominant --

21 A Correct.

22 Q -- or right-hand dominant.

23 A Correct.

24 Q Does Mike -- does Officer Rodriguez draw too?

1 A Yes.

2 Q Okay, you see that?

3 A Yes.

4 Q Okay. Does he keep the flashlight in his other
5 hand, too?

6 A Yes.

7 Q Okay. So initially -- now are all the passen --
8 all the occupants of that vehicle compliant?

9 A Initially, yes. Now, like I said, he -- the
10 guy I dealt with in the Bulls jersey, he kept his hands
11 up. He actually had his hands up. So, I'm standing
12 right here, if you can imagine, and he's got his hands
13 like -- like this, out the window virtually.

14 Q Is the window all the way rolled down?

15 A It was like -- I want to say it was like, not
16 half-way, it was like maybe 3/4s of the way down.

17 Q Okay.

18 A Because I remember he had his hands up on the
19 window.

20 Q Okay.

21 A So, I'm standing right here. Just to give you
22 a visual.

23 Q Sure, he's just trying to show you he's not
24 armed.

1 A Correct. So, 'cause he gave me his ID. Now,
2 Mike's having a dialogue with this guy. And this guy's
3 talking to me, and he's like, "Sir, please don't shoot
4 me." You know, "Officer, please don't shoot me." And
5 what I did catch is he used a racial slur in talking to
6 Mike, the n-word, which I'm not going to repeat, as you
7 guys can imagine. What I did catch though, is he goes,
8 "I ain't fuckin' going -- sorry for the language -- I
9 ain't fuckin' goin' to jail." That is something that 100
10 percent iron clad I caught.

11 Q Which guy said that specifically?

12 A The offender.

13 Q All right. So, the guy that Mike's talking to.

14 A Yes. "I ain't fuckin' goin' to jail." Sorry
15 about that.

16 Q That's language. So, you hear that.

17 A Hear that.

18 Q And what does that make you think?

19 A I get on the radio, and I go, "Squad, like step
20 it up. Like, we need cars now." 'Cause now he's
21 becoming argumentative. His compliance is virtually
22 gone. He's having this dialogue with Mike. He's getting
23 angry. So, that's when, out of my peripherals, I look
24 over. I could see the blue lights. So, now I know we

1 have backup here.

2 Q Do you hear sirens?

3 A Yes.

4 Q Okay.

5 A And I heard the screeching of tires, like if
6 somebody's coming to like a quick stop. So I hear that.

7 Q And where would that be like from where you're
8 at -- in relationship to where you're at?

9 A Right, so we're with the car. Our car's on
10 this angle. Behind the alley going -- say like if you're
11 going out westbound in the alley.

12 Q And that would be Mulligan?

13 A Going out onto Mulligan. That's where I heard
14 the screeching as if cars were flying up and coming to a
15 stop. And then, I hear that, or I see the blue lights.
16 I hear the screeching of the tires. Kind of look over,
17 look back, and Mike's telling him, "Don't reach for it.
18 Don't grab it. Don't reach for it." And he just goes
19 down, and right at the same time I jump back is boom
20 boom.

21 Q Okay. And when Mike -- okay, so at that
22 moment, where's Mike in relation to the car?

23 A Mike is just a little bit off-center, like
24 almost in the same spot I was, but on the other side of

1 the car?

2 Q What, were you perpendicular to the window?

3 A Yeah, I want to say if I'm -- if this is Mike,
4 here's the window right here. You know, 'cause he's
5 trying to put himself in a tactical advantage.

6 Q Okay. Okay. Going along that line, so he's
7 not -- he's not even with the passenger, is he?

8 A I believe -- no, I believe he was back a little
9 bit just --

10 Q Behind him a little bit?

11 A Yeah.

12 Q And so --

13 A The last look I got at Mike was he was a little
14 bit, virtually where I was at, just a little bit back.

15 Q So he's making -- he's making it that the
16 backseat passenger would have to turn his body around to
17 see him, correct?

18 A Yeah.

19 Q Okay. Making it more difficult to --

20 A Yes.

21 Q -- get at him. All right. And is that when
22 Mike is saying, "Don't touch it. Don't --

23 A Yeah, it was like right, lights in peri, look
24 over, screeching of tires, look back, "Don't reach for

1 it. Don't reach for it." and that's when he goes down.

2 Q And you see him go --

3 A Yes.

4 Q -- and go for it.

5 A Yes.

6 Q And what happens when he goes for it?

7 A When he goes, it's like simultaneous. I jump
8 back and there's *boom boom*, two shots.

9 Q Okay, and the two shots come from?

10 A Mike.

11 Q Do you actually see Officer Rodriguez shoot?

12 A I didn't see him shoot. Like I -- because I
13 was more focused on this guy. Then I jumped back, and
14 I'm seeing more of like the rear of the car, but I
15 interpreted it that Mike shot.

16 Q Okay. And at that point, are you the only two
17 police officers in the alley?

18 A At this -- well, now right, so this happens as
19 soon as I drop back, that's when I noticed I've got Clapa
20 (phonetic), Officer Clapa to my right and Sergeant Ronan
21 (phonetic) is off to my left, coming up to my left.

22 Q Now that's the first time you see them though.

23 A That's the first time like I know we have
24 backup.

1 Q You're 100 percent there's other police.

2 A Yes, that there's other -- other officers
3 there.

4 Q All right. So when you -- and the two shots
5 that you initially hear, you know they come from
6 Rodriguez.

7 A Yes.

8 Q Are they -- are they in quick succession? Are
9 they --

10 A They were -- they were -- it was very fast.

11 Q All right.

12 A It was like *boom boom*.

13 Q And do you know prior to hearing the gunshots,
14 the driver's side rear passenger, if his window was up or
15 down?

16 A The guy that I talked to?

17 Q The other guy.

18 A Oh, the offender?

19 Q The offender.

20 A I couldn't tell.

21 Q Okay. Other than the guy you were talking to,
22 what about the front seat passenger?

23 A I never really got a chance to determine if
24 their windows were up or down, 'cause I never dealt with

1 the female. I never talked to her.

2 Q Okay. And then, I know you saw the booze. You
3 saw the pistol and all that. And I know you heard the
4 "I'm not goin' to jail" comment. Did you hear him say
5 anything else?

6 A No.

7 Q Did you hear any of the other occupants say
8 anything at all?

9 A No, because I was just -- 'cause I had this guy
10 you know, right here, "Please don't -- you know, talking
11 to me, "Please don't shoot me. Officer, please don't
12 shoot me."

13 Q Okay. And so then you hear the two shots. And
14 when you say you "backed up", are you saying -- did you
15 go -- do you go toward the back of the car?

16 A Yes.

17 Q Back -- okay.

18 A You have like the -- I'm just trying to give
19 you the visual. There's the garage and then there's the
20 car. It was like I went back towards the garage. When I
21 came back from the car and there's a garage right here.

22 Q Like on an angle?

23 A Yes.

24 Q So if the car's facing north, your angle would

1 be like a southeastern direction.

2 A Yes, correct.

3 Q Okay. What about Officer Rodriguez? Do you
4 know what he did?

5 A I, from the best of my recollection, he stepped
6 back. But I mean, I couldn't -- I never -- I was so
7 focused on the car, I couldn't really tell you what Mike
8 did.

9 Q Okay. And then when you saw the gun, and then
10 you heard the shots, you didn't fire?

11 A No.

12 Q Why not?

13 A Because I didn't have a good shot. It was a
14 tactical -- I felt I was at a tactical disadvantage
15 because I would have to shoot over the gentleman in the
16 Bulls jersey, and I'm not going to do that.

17 Q Okay. What is he doing as the gunshots go off?

18 A I mean, he just stayed in -- the guy in the --

19 Q Yeah, the jersey, in the Bulls jersey.

20 A He just stayed in the car, I mean, where he was
21 at?

22 Q Everybody stayed in the car?

23 A Yeah.

24 Q Okay. Then after the two shots and you back

1 up, then you see Officer Clapa to your right and you see
2 Sergeant Ronan.

3 A It's when I come back, now I know for sure
4 'cause I have Clapa to my right, then Ronan's to my left,
5 and then Mike was on the far end of the lot.

6 Q Yeah. How far back did he go?

7 A Like in relation to me?

8 Q Yeah, just a guesstimate.

9 A Like five to -- somewhere between like five to
10 eight feet.

11 Q Okay. And then, so then what happens? So you
12 back up.

13 A Back up. There's like, I want to say five to
14 seven seconds of they're giving him verbal commands to, I
15 want to say, stay in the vehicle. "Stay in the vehicle.
16 Stay in the vehicle." Door opens, he gets out, and the
17 best way I can describe it, he gets out and he's wobbling
18 almost like a boxer, like a fighter, like when they get
19 hit in a fight, and they're kind of like.

20 He gets out and they're screaming at him, "Don't
21 grab it. Don't reach for it." And that's when he goes
22 to reach for something. He turned. He turns and he goes
23 to reach for something.

24 Q Did you see him get out of the car?

1 A Yes.

2 Q He gets out on his own?

3 A Yes.

4 Q He opens the door?

5 A Yes.

6 Q Like nobody helps him?

7 A I couldn't -- I mean I couldn't. Unless
8 somebody helped him out. But he was the only one there,
9 so I interpreted that he got out on his own.

10 Q Like a police officer and you run out --

11 A No.

12 Q -- and open the door, and try and drag him out?

13 A No.

14 Q Okay. So you see that he gets out on his own
15 volition.

16 A Gets out on his own, yes.

17 Q When he gets out of the car, does he close the
18 door again?

19 A I can't remember if he closed the door.

20 Q Okay.

21 A To be honest with you.

22 Q At that time, is he the only occupant to get
23 out of the car?

24 A Yes.

1 Q And is it -- is it because he was getting out
2 of the car that's the whole, "Stay in the car. Stay in
3 the car."

4 A Yeah.

5 Q Everybody giving him the command.

6 A Yeah, they're -- I mean, they're like screaming
7 at him, Ronan and Mike, "Stay in the car." Because I see
8 more from where I'm at by the garage. I see more of the
9 car than I can of him.

10 Q Uh-hum. Okay, so your line of sight is
11 obstructed by the car.

12 A Correct. I'm seeing more of like the back
13 angle of this -- this -- this vehicle. I'm seeing more
14 of like the vehicle than I am of him.

15 Q Okay. But you see him get out. You see the
16 door open.

17 A Correct.

18 Q So you can tell.

19 A Yes.

20 Q All right. And then -- so what does he -- so
21 he's wobbling?

22 A He gets out. Yeah, when I said it's like a
23 fighter if they get hit in a fight, he wobbles kind of,
24 and that's when he turns, picks something up when they're

1 screaming at him not to pick it up.

2 Q Now, do you know where the gun is at that
3 point?

4 A I never saw the gun. Like, you're talking
5 about when he --

6 Q Right.

7 A Yeah.

8 Q Okay. So if he's bending down and you hear
9 them saying, "Don't pick it up." Do you know what
10 they're --

11 A I can only assume that's what they're talking
12 about is the -- is the gun.

13 Q So at that moment you believe what?

14 A That they're -- they're shouting at him not to
15 pick the pistol up.

16 Q Right.

17 A Not to reach for it, not to grab it.

18 Q But at that moment, I mean, did you ever see
19 the -- did you ever see him holding the pistol?

20 A No, not from where I was at because I saw more
21 of the vehicle.

22 Q Okay. So the only time you saw the gun was
23 when it was on the floor in the car between his feet?

24 A Yes. And then afterwards, when I was doing the

1 walkthrough with the street deputy --

2 Q Sure.

3 A -- I see a pistol.

4 Q But before -- yeah. So, did you hear -- did
5 you see him throw the gun out the window?

6 A No.

7 Q Okay. And you didn't hear it hit the pavement
8 or anything like that?

9 A No.

10 Q Okay. So then, when you see him get out of the
11 car, you see him making a move like he's gonna -- and
12 then your view becomes obstructed.

13 A Yes.

14 Q You can see him look like he's gonna pick
15 something up, and you hear the other officers --

16 A Yeah, they're screaming at him, so I can only
17 interpret that that's what they're screaming at him is,
18 "Don't pick up the pistol."

19 Q Okay. And then which officers are doing the
20 screaming, do you know?

21 A Ronan and Mike.

22 Q Okay. Are they the only officers on like that
23 side of the car, I guess?

24 A That I could see at the time, yes.

1 Q Are you and like Officer Clapa still --

2 A Yeah, 'cause I was back by the garage. I knew
3 I had Clapa to my right. And I then I know Ronan was to
4 my left, and then Mike was farther left.

5 Q Okay. Any other officers other than those
6 you've named at that point, that you're aware of?

7 A That I remember seeing? That is who I remember
8 seeing.

9 Q Okay. So then, what happens? So they're
10 ordering him, "Don't pick it up. Don't pick it up."

11 A "Don't pick it up. Don't pick it up." And
12 then he goes to like grab it, and then I know Ronan for
13 sure fired, and I want to say, I thought Mike fired
14 probably once or twice.

15 Q Okay. And why do you say that?

16 A 'Cause I thought I heard two different guns.
17 And --

18 Q You mean the sound of their (inaudible
19 0:21:53.3) are different?

20 A Yeah, I thought I heard two different guns.
21 And I thought him and Mike -- Ronan and Mike fired
22 because I can only interpret it if I was getting shot at,
23 they're -- they were pretty clean, like professional is
24 probably the best word I could use. You know, if I was

1 getting shot at, it would probably be kind of frantic.

2 You figure anybody --

3 Q I don't -- I don't know what you mean.

4 A Like my body language. If I was getting shot
5 at, it would probably be --

6 Q Oh, I got it.

7 A -- like I would be trying to move to get out of
8 the way.

9 Q Yeah.

10 A But they're professional and collected.

11 Q Where was Sergeant Ronan when he fired?

12 A He was to my left.

13 Q Okay.

14 A So, his relation to the car, I don't know.

15 Q Okay.

16 A But he was just. I remember he was to my left.

17 Q Is he still like kind of behind the civilian's
18 car, like on the trunk end of it?

19 A Yeah, yeah.

20 Q Would it be closer to the driver's side?

21 A That I couldn't tell ya.

22 Q Okay. Would he have -- would he have a better
23 vantage point than you?

24 A Yes, 100 percent.

1 Q Okay. And then what about Officer Rodriguez,
2 where was he at that point?

3 A He was farther -- farther left. His exact
4 location, I don't know. But I remember seeing he was
5 just farther left.

6 Q Farther left, but is he still on the driver's
7 side of the civilian's vehicle?

8 A Yeah.

9 Q Okay. And then, is there anything in between
10 say Officer Rodriguez and the civilian's vehicle? Any --

11 A Oh, like an obstruction or anything?

12 Q Yeah, if he had to gain cover, could he?

13 A I don't know if he could or not. I don't -- I
14 don't believe so, no.

15 Q Okay. And you believe that both, at that time,
16 Ronan fired and he fired too, correct, Mike? Do you know
17 how many times -- how many gunshots you heard at that
18 time?

19 A It was so fast. I mean, if I had to put an
20 estimate, maybe five to seven total.

21 Q Total?

22 A Yeah.

23 Q Between the two of them?

24 A Yeah.

1 Q Okay. And what happens then? So, they fire
2 five to seven shots, and then what happens?

3 A It's five to seven, then he goes down. Ronan
4 goes in. And then there's kind of like just a second,
5 and I'm like, oh, crap, that just happened. And then
6 Ronan was like, "The people in the car." So I holstered
7 up. I ran up. I just grabbed and pulled the female out.
8 Threw her in cuffs, and then I threw her in the back of
9 my car.

10 Q Okay. What about the guy in the Bulls jersey?

11 A Somebody else grabbed him. I think -- I think
12 Beluso (phonetic) ended up grabbing him.

13 Q Okay. And the driver, do you know who grabbed
14 him?

15 A No.

16 Q What about the offender?

17 A The offender, I think Mike and Ronan wanted to
18 deal with him.

19 Q Okay.

20 A 'Cause he was on the ground obviously.

21 Q All right. And then going back, so when Ronan
22 fires, when they're all yelling at him, "Don't pick it
23 up. Don't pick it up", you don't fire, correct?

24 A No.

1 Q And why not?

2 A Because at my angle there's pretty much three
3 people. Because I could see like his top half of the
4 body, but I got to (inaudible 0:24:25.2) holding the car
5 to hit him and there's three people in the car. That's
6 not a good idea.

7 Q Okay. You're at a tactical disadvantage.

8 A Correct.

9 Q Okay. And then the next time -- so the first
10 time and the only time you actually see the pistol, the
11 offender's pistol, is in the car, between the seats,
12 right?

13 A Yes.

14 Q The next time you see it?

15 A Is when I'm doing the walkthrough. Because I
16 was the only guy 'cause Mike went to hospital, I was the
17 only guy with the story start to finish. So I took the
18 street deputy through the walkthrough, and that's when I
19 could see the pistol over by the driver's door.

20 Q Okay. And where -- that's right where I'm
21 going with this. Where -- where in relation to the car
22 is the pistol?

23 A Like an exact loca -- it's just near the
24 driver's door. Like just kind of like --

1 Q Like I'm here.

2 A Probably a couple feet if that.

3 Q Okay. All right. And you remember -- you
4 remember like a semi-automatic rifle or a revolver?

5 A I interpreted it to be a black semi-automatic
6 pistol.

7 Q Okay. And what about these occupants? Did you
8 ever seen these guys before, anything like that?

9 A No.

10 INVESTIGATOR KILLEN: Anything?

11 BY INVESTIGATOR O'BOYLE:

12 Q I know that you said you heard one statement
13 made by the backseat passenger on the driver's side. Did
14 you hear him say anything else throughout this incident?

15 A No, I just -- I know he used the racial slur
16 and, which I'm not going to repeat, and then that's the
17 only thing I caught to a "t" was, "I ain't fuckin' goin'
18 to jail."

19 Q And after he was in custody, did you hear him
20 make any other comments?

21 A No, because I was dealing with the female, so
22 they were kind of dealing with him. And it was kind of
23 crazy, you know. But I put the female in the back of my
24 car, and I was just kind of dealing with her, making sure

1 she was secure in my vehicle.

2 INVESTIGATOR O'BOYLE: Nothing further from me.

3 INVESTIGATOR KILLEN: Okay.

4 BY INVESTIGATOR KILLEN:

5 Q Okay. And the just going back, so, way back.
6 When did you guys find out that your in-car camera was
7 working? Is it before this incident or after?

8 A This was -- do you mean when we found out it
9 was actually operable?

10 Q Yeah.

11 A It was some time during our tour. I remember
12 Mike saying, "Oh, the login screen is on." He's,
13 "Where's your PC." And he just punched it, just logged
14 in like we usually do.

15 Q All right. You guys put your mics back on or
16 put them on?

17 A No, I never thought to grab it from the dock.

18 Q Okay.

19 A We were just kind of like -- kind of chit
20 chatting like we do as officers.

21 Q Okay.

22 A We just logged in really quick, and we just
23 kind of kept going.

24 Q Do you have any idea how long between then and

1 then the incident happened?

2 A From when we found out that the camera was
3 operable --

4 Q Yeah.

5 A -- to -- I couldn't tell ya.

6 Q Okay. All right. Is there anything you'd like
7 to add?

8 A No.

9 Q Anything you think like we should have brought
10 up that we didn't, that may be important?

11 A No.

12 INVESTIGATOR KILLEN: All right. This will complete
13 the audio-recorded interview of Officer Dennis McMillan
14 regarding Log No. 1085949/U#17-16. Today's the 20th of
15 July 2017. The time's approximately 1701 hours.

16 (STATEMENT ENDED)

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1 STATE OF ILLINOIS)

2) SS

3 COUNTY OF C O O K)

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5 I, VICTORIA E. ROCK, a Notary Public, Certified
6 Shorthand Reporter and President of Victoria Legal +
7 Corporate Services, do hereby certify that I caused
8 this audio recording to be transcribed.

9 I further certify that the foregoing is a true
10 and correct transcription to the best of my ability;
11 and further, that I am not counsel for nor in any
12 way interested in the outcome thereof.

13
14 IN TESTIMONY WHEREOF, I have hereunto set my
15 hand this 15th day of August, 2017.

16
17
18
19 **VICTORIA E. ROCK**

20 Notary Public, Cook County, IL

21 C.S.R. License No. 084-001929